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UNITED STATES CIVIL SERVICE COMMISSION

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DEPARTMENTAL CIRCULAR 818, Supplement No. 4

TO HEADS OF DEPARTMENTS AND INDEPENDENT ESTABLISHMENTS

SUBJECT: Instructions and Procedures for Conversions and Reinstatements
under Public Law 85-847

SUMMARY OF LAW

Public Law 380 - 84th Congress provided that certain indefinite and temporary employees could obtain career or career-conditional appointments if they could qualify on the basis of a noncompetitive examination. This law applied to persons who had three or more years of continuous or intermittent satisfactory service in the competitive civil service, and who were serving in a position in the competitive service on January 23, 1955. Persons who served continuously through November 10, 1955, could have their indefinite or temporary appointment converted to career or career-conditional appointment. Persons who were involuntarily separated from their competitive positions between January 23 and November 10, 1955, could receive eligibility for reinstatement as career or career-conditional employees until November 11, 1957. In either case, Public Law 380 required applications for its benefits to be filed prior to November 11, 1956.

Public Law 85-847 extends until November 26, 1959, the period for filing applications in cases where: (1) the employee's position was removed from the competitive service and placed under Schedule A or B of C.S. Rule VI between January 23, 1955 and November 10, 1955, and he was serving in such position on November 10, 1955; or (2) an employee's failure to apply for conversion benefits under PL 380 was because of erroneous advice or determination by the employing agency. In addition, the law extends indefinitely the period for reinstatement of eligible persons whose positions had been placed in the excepted service during the above period. This new law is effective November 26, 1958.

INSTRUCTIONS AND PROCEDURES

The instructions and procedures published in Departmental Circular 818 and previous supplements thereto will be followed in processing applications under Public Law 85-847, with the following modifications.

I. Notification of Employees and Former Employees

It is necessary that there be some special notice of the new law, in order that employees and former employees may file the necessary applications. Agencies are requested to prepare such a notice and post it on bulletin boards, or publish it in a local bulletin, available to all employees. Such notices may be supplemented by special communications to individual employees and former employees eligible for benefits under the new law, although this is not required. As a minimum, these notices should identify the benefits and the eligibility requirements as summarized in this circular, and advise where further information and applications can be obtained.

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II. Basic Eligibility for Reinstatement Benefits.

An employee (or former employee) has eligibility for reinstatement benefits if he meets all of the following conditions:

- A. On November 10, 1955, he was serving in the excepted service in a position listed under Schedule A or B of Civil Service Rule VI which was removed from the competitive service subsequent to January 23, 1955;
- B. He served in a position or positions in the competitive service without break in service from January 23, 1955, to the date his position was listed in Schedule A or B;
- C. (1) During the period beginning June 3, 1950, and ending January 23, 1955, he passed a qualifying examination for a position in which he served during such period, or (2) prior to November 26, 1959 he meets such noncompetitive examination standards as the United States Civil Service Commission shall prescribe for the position held when it was listed in Schedule A or B;
- D. He has completed, prior to November 10, 1956, a total of continuous or intermittent satisfactory service aggregating not less than three years on the rolls in a position in or under the Federal Government or the municipal government of the District of Columbia. (Instructions under Paragraph III of D.C. 818 will be followed in computing the three years of service, except that credit is not restricted to service in competitive positions); and
- E. He files application with the Civil Service Commission between November 25, 1958 and November 26, 1959.

III. Application for Reinstatement Benefits

- A. Application should be made on CSC Form 617. Copies of this form may be obtained from examining offices of the Commission.
- B. The applicant must answer each question in Part A. Where an applicant is currently employed by a Federal agency, the application should be initially submitted to the personnel office of the agency, which will verify the statements made by the applicant from information in the Official Personnel Folder. If the applicant is not currently employed, the Commission will request the verification of essential information from the last employing agency or from the Federal Records Center.
- C. All applications will be forwarded to the appropriate servicing office of the Commission in triplicate, accompanied by Standard Form 57. Recommendation or eligibility determination by the employing agency (if any), is not required. Basic eligibility will not be influenced by breaks in service after November 10, 1955.
- D. Where the applicant has not otherwise established qualification eligibility, it will be determined through noncompetitive examination by the appropriate office of the Commission. If the applicant fails to qualify, one additional examination may be requested, not later than 30 days after the notice of ineligibility.
- E. The Commission office acting on the application will retain one copy for its files, return one copy to the applicant, and forward one copy

to the current employing agency or to the Federal Records Center to be filed as a permanent document in the applicant's Official Personnel Folder.

IV. Basic Eligibility for Conversion Benefits

Each indefinite or temporary employee of the Federal Government or of the District of Columbia who is serving in a competitive position and who did not receive the conversion benefits of Public Law 380 -84th Congress, because of administrative error by his employing department or agency, may file application for the benefits of such Act between November 25, 1958 and November 26, 1959. Employees may file applications regardless of employment status or breaks in service between November 10, 1955 and the date of application.

Former employees, who an agency determines are otherwise eligible and would be recommended for conversion benefits if they were currently on the rolls, may be given temporary appointments for not to exceed six months in order to process the conversion action. This special appointing authority may be used without regard to the existence of registers and without securing separate authority from servicing offices of the Commission. This Circular will be shown as authority for such appointments.

V. Application for Conversion Benefits

- A. Application should be executed in duplicate on CSC Form 618. Copies of this form may be obtained from examining offices of the Commission.
- B. All applications will be submitted to the employing agency, which will apply the standards and eligibility requirements established in Departmental Circular 818 as of November 10, 1956 (or as of the date of any separation which occurred between November 10, 1955 and November 10, 1956). In any otherwise eligible case, the agency will also have to find that the employee failed to secure conversion benefits under Departmental Circular 818 because of erroneous advice or determination by his employing agency. The circumstances of such advice or determination will be recorded and treated as a part of the application.
- C. Where the employee has not otherwise established qualification eligibility, noncompetitive examination will be requested from the appropriate office of the Commission within 30 days of the employee's application. If the applicant fails to qualify, one additional examination may be requested, not later than 30 days after the notice of ineligibility.
- D. Upon finding an applicant eligible for conversion (including notice of eligible rating by the Commission in a noncompetitive examination, where appropriate), the conversion to career or career-conditional appointment will be processed by execution of Standard Form 50. This Departmental Circular will be cited as authority for the action. The effective date will be the date of the agency recommendation, and may not be earlier than November 26, 1958, nor later than November 25, 1959.

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VI. Reinstatements

Employees or former employees who secure reinstatement eligibility in accordance with Section II of this circular must make separate applications to Federal appointing officers for reinstatement in competitive positions. There is no time limit on this reinstatement eligibility (as contrasted to eligibility obtained under the basic Departmental Circular 818, which expired on November 10, 1957). An appointing officer may reinstate at any time a person who established eligibility under this circular.

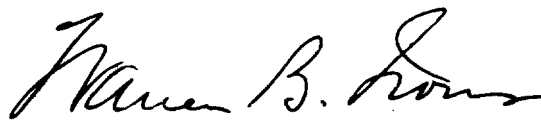
VII. Requisitioning Application Forms

It is expected that employees eligible under this program will be very few. Therefore, requisition of CSC Forms 617 and 618 from Commission offices should be kept to a minimum.

INQUIRIES

Inquiries concerning this circular from agencies in the metropolitan area of Washington, D. C., should be made to the Bureau of Departmental Operations, Examining Division (Code 129, Extension 5525). Inquiries in the field should be referred to the appropriate regional office.

By direction of the Commission.



Warren B. Irons
Executive Director